



Bill Richardson
Governor
Rick Homans
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STATE OF NEW MEXICO
Taxation and Revenue Department

An Equal Opportunity Employer

Motor Vehicle Division

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Divisions

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Motor Vehicle Division
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Property Tax
(505) 827-0870
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Tax Fraud

IMPORTANT CUSTOMER INFORMATION

Many New Mexico drivers have received “guilty deferred” sentences for traffic violations. A “deferred” sentence is one for which drivers must satisfy conditions as established by a court – such as attendance at driving school, community service, a 90-day probation period during which the driver must maintain a clean record, etc. Upon compliance with court conditions, the citation is dismissed.

The Motor Vehicle Division (MVD) has determined that in some cases “deferred” sentences for which the driver has complied with all court conditions have been posted to some drivers’ records. Our goal is to ensure accuracy on all driver records so that citations and convictions are accurately reflected in our database. Through a recent agreement with the Administrative Office of the Courts (AOC), MVD has agreed to remove those citations for which the driver has complied with all court conditions and the court has dismissed it.

The MVD is working with the courts to fix the problem going forward. In the meantime, here’s what you can do to determine if you have been affected...

Does this affect me?

NO, if:

1. You paid a court fine.
2. You were found guilty by a Court.
3. You were found not guilty by a Court.
4. Your deferral was issued prior to October 14, 2005.
5. You appeared in Metro Court (in Bernalillo County)
6. Your citation is part of the Albuquerque “red light” program.
7. Your violation and sentence was a DWI, driving on a revoked or suspended license, driving with an open container, failure to appear or to pay a penalty assessment, three convictions of reckless driving within a 12-month period, a motor vehicle violation resulting in bodily injury or death, shooting at or from a motor vehicle, conviction of a felony involving a motor vehicle, failure to stop and render aid in the event of a crash involving bodily injury or death, and perjury, false affidavit

or statement to the Motor Vehicle Division relating to the ownership or operation of motor vehicles.

8. You are a CDL driver. By federal regulation, any conviction (including “guilty,” “nolo contendere” and “guilty deferred”) must be posted to your driving record and **should** stay there.

YES, if you have received a “deferred” sentence on a traffic violation from a magistrate or municipal court in New Mexico during the last three years for a violation such as speeding, not wearing a seatbelt, failure to maintain lane or yield, reckless driving or other moving violations.

If you think this affects you, we encourage you to contact MVD; here’s how:

Send an email to <mailto:Adam.Diamond@state.nm.us>

Type “Guilty Deferred” in the subject line and provide your:

- Full name;
- Driver’s license number;
- Date of birth; and
- Telephone number.

Our staff will research your case and respond to you within 48 hours;

2. Check your driving record through our automated phone system by calling our toll-free number: 1-888-683-4636 (1-888-MVD-INFO). Follow the voice prompts to get your “driving record.” Be sure to select the 3-year driving record option.
3. Call our toll-free number: 1-888-683-4636 (1-888-MVD-INFO) to talk with a clerk. Be prepared to provide your:

- Full name;
- Driver’s license number;
- Date of birth;
- Telephone number; and
- Email address (optional).

If your record indicates a sentence for a traffic violation within the last three years, and you think it was “deferred” by the court, then we will research your record and respond to you within 48 hours. We will need to verify the sentence was “deferred” and that you have complied with the court requirement(s). Most of this research can be done on-line by our staff, but in some cases (such as a condition to attend driving school) we may ask you to contact the court to get proof of compliance and dismissal.

If you’ve received a “guilty deferred” conviction on your driving record for which you’ve complied with all conditions and it has been dismissed by the court, here’s what you’ll need to do:

1. Contact the court that gave you the “guilty deferred” sentence to get documentation that you have complied and the citation has been dismissed.

2. Submit proof of the dismissal to MVD by:
 - a. Mailing the original certified court document to MVD at:

New Mexico Motor Vehicle Division
ATTN: Adam Diamond
P.O. Box 1028
Santa Fe, New Mexico 87504

OR

- b. The court can:
 - Fax the compliance document to 505-827-2783 or 505-827-2267.
 - Email the compliance document to <mailto:Adam.Diamond@state.nm.us>

What is being done to fix the problem?

1. Rick Homans, Secretary of the Taxation and Revenue Department, has formed a “Guilty/Deferred Task Force” that includes MVD and the courts. The Task Force is tasked with proposing a statewide solution to the problem by December 2008.
2. The MVD has sent a letter to all courts in New Mexico and to all MVD field offices to inform them of the problem and to advise them where to send drivers – to the toll-free number and TRD website – who inquire about their own driving records.